

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

THOMAS H. GORDON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:11-CV-01228-BCW
	)	
ROGER POWELL, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is Defendants' Motion to Dismiss Pursuant to FRCP 12(b)(6) or Alternatively for Judgment on the Pleadings Pursuant to FRCP 12(c) (Doc. #12), Defendants' Motion to Strike Plaintiff's "Complaint for Defendants Bad Faith Mediation," or in the Alternative to Dismiss Plaintiff's "Complaint for Defendants Bad Faith Mediation" for Failure to State a Claim upon which Relief can be Granted (Doc. #22), and Plaintiff's Motion to File Amended Supplement Complaint for Defendants Bad Faith Mediation (Doc. #35).

The Court held a pretrial conference in this matter on August 22, 2012 regarding these motions. The Court being duly advised of the premises, having held a conference in this matter, and for good cause shown, finds the following:

Pursuant to this Court's Order (Doc. #33), Plaintiff's Motion to File Amended Supplement Complaint for Bad Faith Mediation (Doc. #35) is granted. Based on Plaintiff's representations at the pretrial conference, the Court construes this pleading as Plaintiff's Amended Complaint. The Amended Complaint is deemed filed August 13, 2012. Defendants' Motion to Dismiss (Doc. #12) and Defendants' Motion to Strike (Doc.

#22) are denied as moot. In the event Defendants file a Motion to Dismiss Plaintiff's Amended Complaint, the Court's Rule 16 Notice (Doc. #30) will be stayed pending ruling on said Motion. Accordingly, it is hereby

ORDERED Plaintiff's Motion to File Amended Supplement Complaint for Defendants Bad Faith Mediation (Doc. #35) is GRANTED. Plaintiff's Amended Complaint shall be deemed filed on August 13, 2012. It is further

ORDERED Defendants' Motion to Dismiss (Doc. #12) is DENIED as moot. It is further

ORDERED Defendants' Motion to Strike (Doc. #22) is DENIED as moot. It is further

ORDERED in the event Defendants file a Motion to Dismiss Plaintiff's Amended Complaint, the Court's Rule 16 Notice (Doc. #30), will be stayed pending the Court's ruling on said Motion.

IT IS SO ORDERED.

DATED: August 23, 2012

/s/ Brian C. Wimes  
JUDGE BRIAN C. WIMES  
UNITED STATES DISTRICT COURT